

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL D. SIMS,
Plaintiff,

v.

SETH HUBER, *et al*,
Defendants.

Case No. C06-5171FDB
ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court on plaintiff's filing of an application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. To file a complaint and initiate legal proceedings plaintiff must pay a filing fee of \$250.00 or file a proper application to proceed *in forma pauperis*.

On March 29, the Clerk received plaintiff's complaint and application to proceed *in forma pauperis*. (Dkt. #1). On April 5, 2006, the Clerk sent plaintiff a letter informing him that his application contained a number of deficiencies. (Dkt. #2). Although plaintiff has cured most of those deficiencies (Dkt. #3), the following deficiency remains. Pursuant to 28 U.S.C. § 1915(a)(2):

A prisoner seeking to bring a civil action or appeal a judgment in a civil action or

1 proceeding without prepayment of fees or security therefor . . . shall submit a certified
2 copy of the trust fund account statement (or institutional equivalent) for the prisoner for
3 the 6-month period immediately preceding the filing of the complaint or notice of appeal,
obtained from the appropriate official of each prison at which the prisoner is or was
confined.

4 Plaintiff thus was required to submit a statement showing the balance and activity of his account for the
5 six-month period immediately preceding the filing of his complaint. Plaintiff has submitted what appears to
6 be documentation of one account transaction for dental services performed on March 17, 2006. This,
7 however, does not satisfy the requirements of 28 U.S.C. § 1915(a)(2).

8 Accordingly, the Court orders the following:

- 9 (1) Plaintiff shall seek to cure the above deficiency by filing **no later than June 2, 2006**, a copy
10 of his prison trust account statement pursuant to 28 U.S.C. § 1915(a)(2) showing the
11 balance and activity of his account(s) for the six-month period immediately preceding the
12 filing of his complaint.

13 **Failure to cure this deficiency by the above date shall be deemed a failure to properly**
14 **prosecute this matter and the court will recommend dismissal of this matter.**

- 15 (2) The Clerk is directed to send a copy of this Order to plaintiff, along with the appropriate
16 written consent form.

17 DATED this 2nd day of May, 2006.

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21 Karen L. Strombom
22 United States Magistrate Judge
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